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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,259	10/27/2003	Wai-Tian Tan	200309936-1	4700

22879 7590 10/29/2008

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EXAMINER

NGUYEN BA, HOANG VU A

ART UNIT	PAPER NUMBER
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2421

NOTIFICATION DATE	DELIVERY MODE
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10/29/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/695,259	Applicant(s) TAN, WAI-TIAN	
	Examiner Hoang-Vu A. Nguyen-Ba	Art Unit 2421	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to amendment-after-non-final rejection filed June 30, 2008.
2. Claims 1-33 remain pending. Claims 1, 12 and 23 are independent claims.

Response to Amendments

3. The objection to the specification is withdrawn in view of Applicant's amendment to the title to make it more descriptive of the invention.

Response to Arguments

4. Applicant's arguments have been fully considered but are moot in view of the new grounds of rejection necessitated by Applicant's amendments to the claims.

Claim Objection

5. Claims 8 and 19 are objected to because it is unclear if these claims are intended to recite that the content is redirected while en route from the first network connected component to the third network connected component or that the content is redirected while en route from the third component to the first component. For compact prosecution purposes, these claims are interpreted to mean that *said content is redirected, while en route from the first network connected component, to said third network connected component.*

Claim Rejections – 35 USC §112

6. The following is a quotation of the first paragraph of 35 U.S.C. §112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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7. Claims 1, 12 and 23 are rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Applicant pointed out that support for the amendment “wherein said portion of said content is positioned to receive said type of media service performed by said third network connected component” can be found at least on page 10, first paragraph. However, the content of Applicant’s cited paragraph appears to relate to services that can be provided and can include but are not limited to format conversion services such as display size, bit rate, compression standard for video, sampling rate, quality, and compression standard for audio. None of the mentioned services relates to “wherein said portion of said content is positioned to receive said type of media service performed by said third network connected component.”

Therefore, Applicant’s arguments that McCanne fails to teach or suggest the aforementioned limitation are moot.

Claim Rejections – 35 USC § 103

8. The following is a quotation of the 35 U.S.C. § 103(a) which form the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-33 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,785,704 to McCanne in view of A System Architecture for Managing Mobile Streaming Media Services by Roy et al. (“Roy”) cited by Applicant in the IDS filed June 6, 2005.

Claim 1

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McCanne discloses at least *a method for dynamically configuring a network component, comprising:*

*receiving a request for content from a **first network connected component** (see at least FIG. 6, request made by **client 12** and received by components of the Redirection Fabric which direct the request to the appropriate content server, e.g., server 14);*

*configuring a data relaying component (see at least FIG. 6, component 26 which can be a router) to forward said at least a portion of said content from **a second network connected component** (see at least FIG. 6, **server S 14**) to a **third network connected component** (see at least FIG. 6, **Distribution Network 52**) to receive said type of media service.* Emphasis added by examiner.

McCanne does not specifically disclose:

determining a type of media service needed for at least a portion of said content to fulfill said request.

However, in an analogous art, Roy discloses a service local management (SML) that determines what type of transcoding is needed to serve the requested material to the given client and examines the status of the transcoding-enabled servers that are partially or completely under its control (see section 3, 2nd paragraph).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the function provided by Roy's SML in McCanne because the use of this function would help optimize the redirection of data stream in McCanne.

The combination McCanne-Roy does not specifically disclose:

at least a portion and wherein said portion of said content is positioned to receive said type of media service performed by said third network connected component.

However, in an analogous art, Matsuzaki teaches means for detecting **a part** of broadcasting contents which cannot be received correctly because of a transmission error and for receiving and storing a complement to the broadcasting contents (see at least [0027]).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the feature of Matsuzaki that detects and restores part of a broadcast content in the combination McCanne-Roy because the use of such a feature would help the

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combination McCanne-Roy distinguish which part of the broadcast contents that needs which particular service, thereby improving the speed of redirecting of the data stream in McCanne.

Claim 2

The rejection of base claim 1 is incorporated. The combination McCanne-Roy-Matsuzaki further discloses *wherein said step of receiving said request for content is performed by a network connected server* (McCanne; see at least FIG. 6, component 14).

Claim 3

The rejection of base claim 1 is incorporated. The combination McCanne-Roy-Matsuzaki further discloses *wherein said request is for streaming media content* (McCanne; see at least 4:16-26).

Claim 4

The rejection of base claim 1 is incorporated. The combination McCanne-Roy-Matsuzaki further discloses *wherein said first network connected component is a client device* (McCanne; see at least FIG. 6, Client 12).

Claim 5

The rejection of base claim 1 is incorporated. The combination McCanne-Roy-Matsuzaki further discloses *wherein said second network connected component is a content server* (McCanne; see at least FIG. 6, Server S 14).

Claim 6

The rejection of base claim 1 is incorporated. The combination McCanne-Roy-Matsuzaki further discloses *wherein said third network connected component is a media service component which receives said content, performs a media service and transmits the content to a client device* (McCanne; see at least FIG. 6, distribution network 52).

Claim 7

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The rejection of base claim 1 is incorporated. The combination McCanne-Roy-Matsuzaki further discloses *wherein said configuring is performed by a real time streaming protocol (RTSP) server* (McCanne; see at least 20:1-13; 25:43-56; 28:9-51; 29:5-32).

Claim 8

The rejection of base claim 1 is incorporated. The combination McCanne-Roy-Matsuzaki further discloses *wherein said content is redirected, while en route to said first network connected component, to said third network connected component* (McCanne; see at least FIG. 6, the routing by components 38, 50, 26).

Claim 9

The rejection of base claim 1 is incorporated. The combination McCanne-Roy-Matsuzaki further discloses *wherein said request is redirected using Internet domain name service (DNS) based redirection techniques* (McCanne; see at least Abstract).

Claim 10

The rejection of base claim 1 is incorporated. The combination McCanne-Roy-Matsuzaki further discloses *wherein said content or request is redirected using a web cache communication protocol (WCCP) routing mechanism* (McCanne; see at least 23:4-67).

Claim 11

The rejection of base claim 1 is incorporated. The combination McCanne-Roy-Matsuzaki further discloses *wherein said server receives said request routed by said data relaying component, and supplies routing configuration instructions to said data relaying component to create or destroy a rule to route selected streams to a media service* (McCanne; see at least 23:4-67).

Claim 12

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Since Claim 12 is an independent claim that recites *a computer useable medium having computer useable code embodied therein causing a computer to perform* the same operations of method claim 1, the same rejection is thus applied.

Claim 13

The rejection of base claim 12 is incorporated. Since Claim 13 recites the same feature of Claim 2, the same rejection is thus applied.

Claim 14

The rejection of base claim 12 is incorporated. Since Claim 14 recites the same feature of Claim 3, the same rejection is thus applied.

Claim 15

The rejection of base claim 12 is incorporated. Since Claim 15 recites the same feature of Claim 4, the same rejection is thus applied.

Claim 16

The rejection of base claim 12 is incorporated. Since Claim 16 recites the same feature of Claim 5, the same rejection is thus applied.

Claim 17

The rejection of base claim 12 is incorporated. Since Claim 17 recites the same feature of Claim 6, the same rejection is thus applied.

Claim 18

The rejection of base claim 12 is incorporated. Since Claim 18 recites the same feature of Claim 7, the same rejection is thus applied.

Claim 19

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The rejection of base claim 12 is incorporated. Since Claim 19 recites the same feature of Claim 8, the same rejection is thus applied.

Claim 20

The rejection of base claim 12 is incorporated. Since Claim 20 recites the same feature of Claim 9, the same rejection is thus applied.

Claim 21

The rejection of base claim 12 is incorporated. Since Claim 21 recites the same feature of Claim 10, the same rejection is thus applied.

Claim 22

The rejection of base claim 12 is incorporated. Since Claim 22 recites the same feature of Claim 11, the same rejection is thus applied.

Claim 23

Since Claim 23 is an independent claim that recites *a server* (see at least FIG. 6, components 14, 40, etc.) *comprising:*

memory for storing a request for content from a first network connected component; and

a processor coupled to said memory for performing the same operations recited in method claim 1, the same rejection is thus applied.

It should be noted that a server is a computer comprising memory, such as RAM, ROM, and different storage medium (e.g., hard-drive, etc.) and one or more microprocessors. These components are deemed inherent to McCanne because without these components, the server disclosed by McCanne would be inoperable.

Claim 24

The rejection of base claim 23 is incorporated. Since Claim 24 recites the same feature of Claim 2, the same rejection is thus applied.

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Claim 25

The rejection of base claim 23 is incorporated. Since Claim 25 recites the same feature of Claim 3, the same rejection is thus applied.

Claim 26

The rejection of base claim 23 is incorporated. Since Claim 26 recites the same feature of Claim 4, the same rejection is thus applied.

Claim 27

The rejection of base claim 23 is incorporated. Since Claim 27 recites the same feature of Claim 5, the same rejection is thus applied.

Claim 28

The rejection of base claim 23 is incorporated. Since Claim 28 recites the same feature of Claim 6, the same rejection is thus applied.

Claim 29

The rejection of base claim 23 is incorporated. Since Claim 29 recites the same feature of Claim 7, the same rejection is thus applied.

Claim 30

The rejection of base claim 23 is incorporated. Since Claim 30 recites the same feature of Claim 8, the same rejection is thus applied.

Claim 31

The rejection of base claim 23 is incorporated. Since Claim 31 recites the same feature of Claim 9, the same rejection is thus applied.

Claim 32

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The rejection of base claim 23 is incorporated. Since Claim 32 recites the same feature of Claim 10, the same rejection is thus applied.

Claim 33

The rejection of base claim 23 is incorporated. Since Claim 33 recites the same feature of Claim 11, the same rejection is thus applied.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoang-Vu "Antony" Nguyen-Ba whose telephone number is (571) 272-3701. The examiner can normally be reached on Monday-Friday from 9:00 am to 5:30 pm.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, John Miller can be reached at (571) 272-7353.

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The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2400 Group receptionist (571) 272-2400.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

/Hoang-Vu Antony Nguyen-Ba/

Primary Examiner, Art Unit 2421

October 22, 2008